

REMARKS:

Claims 23-47, 50-52, 54-59, 73-80, 90, 91, 94, 102, 104-116, and 118-120 were pending in the application. Claims 108 and 109 have been canceled. Claims 23-47, 50-52, 54-59, 73, 74, 76, 78, 80, 90, 91, 94, 102, 110, 111, 114, 115, 118, and 120 amended. Therefore, claims 23-47, 50-52, 54-59, 73-80, 90, 91, 94, 102, 104-107, 110-116, and 118-120 are now pending in this application.

Examiner Interview

Applicant's undersigned representative and the Examiner conducted a telephone interview on May 18, 2009, concerning the pending rejections. Applicant appreciates the Examiner's time and consideration. The remarks below reflect the substance of the interview.

Specification Objection and Section 112 Rejections

The Examiner objected to the specification for failing to provide proper antecedent basis for the term "tangible." Claims 23-47, 50-52, 54-59, 73-80, 86-91, 108-112, and 115-119 stand rejected under 35 U.S.C. § 112 first and second paragraphs because the claims included the term "tangible." The Examiner suggested that the term "tangible" be removed in order to address this objection and rejections. Applicant has made such amendments in the present response. Accordingly, Applicant submits that the objection and rejections have been overcome. The Examiner further stated that if the claims were subsequently found to be otherwise allowable, the Examiner would suggest wording for the preamble of these claims¹.

¹ In this event, Applicant wishes to change the phrase "when executed" to "if executed."

Section 101 Rejections

Claims 23-47, 50-52, 54-59, 73-80, 86-91, 108-112, and 115-119 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. In the Office Action, the Examiner indicated that “[a]ccording to [the] language of [A]pplicant’s disclosure,” Applicant intends “the medium of the code segment in this particular embodiment [to be] the network itself.” In the interview, Applicant explained that the pending claims were not seeking to claim the network itself, but rather a “computer readable storage medium storing instructions that when executed by a computer system connected to a network are capable of causing the computer system” to take various actions.

Section 103 Rejections

All independent claims are rejected under U.S.C. § 103(a) as being unpatentable over Thompson-Rohrlich (U.S. Patent 5,504,852) in view of Wang et al. (U.S. Patent 5,222,234). Applicant respectfully disagrees with these rejections, as set forth below. As discussed with the Examiner, Applicant has amended the independent claims in order to further prosecution.

During the interview, the undersigned and the Examiner discussed adding language such as recited in claims 90 and 94 to distinguish over the combination of Thompson-Rohrlich and Wang. The Examiner appeared to indicate that such amendments would likely distinguish over these cited references. Amended claim 23 now recites “display[ing] ... a first graphical representation of a first meta-folder instantiated on [a] computer system, wherein the first meta-folder statically points to at least one conventional object that is unrelated to the corresponding search criteria for the first meta-folder” (emphasis added). Claim 23 goes on to recite “upon selection of the first graphical representation” “display[ing] ... a second graphical representation of the first meta-folder that includes graphical elements representing 1) any conventional objects located as a result of [] searching and 2) the at least one conventional object statically pointed to by the first meta-folder” (emphasis added). Applicant further submits that none of the references teaches or suggests “the first meta-folder” or the “second graphical representation of the first meta-folder” as recited in claim 23.

Thompson-Rohrlich's discloses displaying results of a search in a folder—e.g., Nutshell Mail 32 shown in Fig. 3. *See* Thompson-Rohrlich 3:40-47 and Fig. 3. Thompson-Rohrlich's folder, however, cannot be considered to be the “first meta-folder” in claim 23, because this folder does not “statically point[[s]] to at least one conventional object that is unrelated to the corresponding search criteria for the []folder,” as recited in claim 23. Instead, this folder only includes search results. *See* Fig. 3 (Nutshell Mail 32). Furthermore, the representation of this folder cannot be the “second graphical representation of the first meta-folder,” as recited in claim 23, because Thompson-Rohrlich's representation does not “include[]” “the at least one conventional object statically pointed to by the first meta-folder.”

Wang is similarly deficient. Wang is directed to saving “search results” in a “Search Result Document.” Wang (Abstract) and Fig. 15 (“Search Result Document”). According to Wang, this search result document may be “reused or stored in another document such as a folder.” *Id.* Although Wang's search result document may include search criteria and search results, *see id* at 7: 58-65 and Fig. 15, this document cannot be considered as the “first meta-folder” because it does not “statically point[] to at least one conventional object that is unrelated to the corresponding search criteria for the first meta-folder.” Furthermore, Wang's search result document (such as shown in Fig. 15) cannot constitute the “second graphical representation” of claim 23 because this document (at a minimum) does not include a “graphical element[] representing ... the at least one conventional object statically pointed to by the first meta-folder,” as recited in claim 23. Still further, the inclusion of Wang's Search Result Document (SRD) in a folder does not teach or suggest the “first meta-folder” of claim 23, as such a folder/SRD combination is not associated with “one or more search objects” and does not “statically point[] to at least one conventional object that is unrelated to the corresponding search criteria for the first meta-folder” as in claim 23.

Accordingly, none of references (individually or in combination) teaches or suggests the “first meta-folder” or the “second graphical representation of the first meta-folder” as recited in claim 23. For at least these reasons, claim 23 is believed to be patentably distinct with respect to the cited references, along with its respective dependent claims. The independent claims 59, 74, 90, 94, 102, and their respective dependent claims are believed to be patentably distinct over the cited references for at least reasons similar to those provided for claim 23.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-06101/DMM.

Respectfully submitted,

Date: May 26, 2009

By: /Dean M. Munyon/
Dean M. Munyon
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8847